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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/653,583 | 08/31/2000 | Yoshiro Mikami | 503.35282CX1 | 6649 |

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| EXAMINER | |
|---|---|
| PIZIALI, JEFFREY J | |
| ART UNIT | PAPER NUMBER |
| 2629 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 31 DAYS | 02/26/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/653,583 | MIKAMI ET AL. | |
| | Examiner | Art Unit | |
| | Jeff Piziali | 2629 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *28 November 2006 and 17 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *6,9,23,24 and 27* is/are pending in the application.

4a) Of the above claim(s) *9,23 and 24* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *6 and 27* are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 08/820,835.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicants' claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/820,835 (now US Patent No. 6,115,017), filed on 19 March 1997.

### *Terminal Disclaimer*

2. The terminal disclaimer filed on 29 January 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 6,115,017 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Election/Restrictions*

3. Applicant's election with traverse of Species I, Sub-Species B, Sub-Sub-Species 1 in the reply filed on 28 November 2006 is acknowledged. The traversal is on the ground(s) that the examiner has mischaracterized the species, because (pertaining to Species I and II) "the figures [i.e., Figs. 1, 2, and 20] referred to by the Examiner [in the Restriction Requirement mailed 30 October 2006] do not illustrate a backlight or no backlight" (see Page 1 of the reply filed on 28 November 2006).

This is not found persuasive because, the figures in question were only ever referred to by the examiner as being illustrative examples of the two distinct species of a transmissive type liquid crystal display apparatus (i.e., Species I) and a reflective type liquid crystal display apparatus (i.e., Species II). By no means was the examiner suggesting that the figures

comprehensively illustrate each and every structural and operational detail of the instant invention. Additionally, the applicants allegation that the examiner has "mischaracterized" the species (because Figure 20 neglects to illustrate a nonexistent backlight) is a perplexing slice of logic.

Furthermore, the instant specification itself teaches that while Species I's transmissive "liquid crystal display apparatus has a polarizer and a back light (not shown) in addition to the above configuration" (see Page 11, Line 16); with Species II's "reflection type panel it is unnecessary to use the back light" (see Page 32, Line 15).

The species are independent or distinct because the species do not overlap in scope, i.e., are mutually exclusive (which is to say, the liquid crystal display apparatus cannot be both a transmissive type and a reflective type simultaneously); the species are not obvious variants; and the species each have a materially different design, mode of operation, function, and effect.

The requirement is still deemed proper and is therefore made FINAL.

4. Claims 9, 23, and 24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected species, sub-species, and/or sub-sub-species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 28 November 2006.

Although the applicants submitted that claim 23 is readable on elected Species I (see Page 2 of the reply filed on 28 November 2006); the examiner must respectfully disagree.

Claim 23 recites the subject matter of "the display electrode [being] an opaque reflection electrode arranged in overlapping relationship with at least one of the scanning electrode, the signal electrode and a thin film transistor for enabling driving of the liquid crystal display

apparatus in a reflection type display mode" (see the last four lines). Clearly, such subject matter is readable on Species II's reflective type liquid crystal display apparatus (see Fig. 20; Page 31, Line 1 - Page 34, Line 3 of the instant specification, for instance), and not readable on Species I's transmissive type liquid crystal display apparatus (see Figs. 1 & 2; Page 11, Lines 16-18 of the instant specification, for instance).

By such reasoning, claim 23 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species.

5. This application contains claims 9, 23, and 24 drawn to inventions nonelected with traverse in the reply filed on 28 November 2006. A complete reply to a final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. This application now contains elected claims (at least as of the 'Amendment' filed 17 May 2004 and the Election filed 28 November 2006) directed to at least the following patentably distinct species, sub-species, and sub-sub-species:

**Species I**, drawn to a *display data holding circuit including a thin film transistor having a gate connected to the corresponding scanning electrode and a drain connected to the corresponding signal line* (see Claim 6, Lines 20-22, for instance), and

**Species II**, drawn to drawn to a *display data holding circuit including a thin film transistor having a gate connected to the corresponding scanning electrode and a source connected to the corresponding signal line* (see Claim 6, Lines 20-22, for instance). Wherein both **Species I & II** are further directed to at least the following patentably distinct sub-species:

**Sub-Species A**, drawn to *a capacitor at least partially formed by a portion of the drain of the thin film transistor* (see Claim 6, Lines 22-24, for instance), and

**Sub-Species B**, drawn to drawn to *a capacitor at least partially formed by a portion of the source of the thin film transistor* (see Claim 6, Lines 22-24, for instance). Wherein both **Sub-Species A & B** are further directed to at least the following patentably distinct sub-sub-species:

**Sub-Sub-Species 1**, drawn to *one electrode of the capacitor being formed of a same material as a material of the drain of the thin film transistor* (see Claim 27, Lines 2-3, for instance), and

**Sub-Sub-Species 2**, drawn to *one electrode of the capacitor being formed of a same material as a material of the source of the thin film transistor* (see Claim 27, Lines 2-3, for instance).

The species, sub-species, and sub-sub-species are independent or distinct because the species, sub-species, and sub-sub-species do not overlap in scope, i.e., are mutually exclusive; the species, sub-species, and sub-sub-species are not obvious variants; and the species, sub-species, and sub-sub-species each have a materially different design, mode of operation, function, and effect.

Applicants are required under 35 U.S.C. 121 to elect a single disclosed species, sub-species, and sub-sub-species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims appear to be generic.

Applicants are advised that a reply to this requirement must include an identification of the species, sub-species, and sub-sub-species (for example, *Species I, Sub-Species A, Sub-Sub-Species 2*) that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicants will be entitled to consideration of claims to additional species, sub-species, and sub-sub-species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicants must indicate which are readable upon the elected species, sub-species, and sub-sub-species. MPEP § 809.02(a).

8. A telephone call was made to Mr. Melvin Kraus (Registration Number 22,466) on 16 February 2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicants are advised that the reply to this requirement to be complete must include (i) an election of a species, sub-species, and sub-sub-species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species, sub-species, and sub-sub-species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

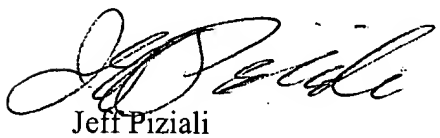
Should applicants traverse on the ground that the inventions or species, sub-species, and sub-sub-species are not patentably distinct, applicants should submit evidence or identify such evidence now of record showing the inventions or species, sub-species, and sub-sub-species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Piziali whose telephone number is (571) 272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeff Piziali
16 February 2007